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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. MJ 08-539
09 Plaintiff,)
10 v.) DETENTION ORDER
11 ROBERT ELECCION,)
12 Defendant.)
13

14 Offense charged: Attempted Possession of Methamphetamine and Cocaine with Intent to
15 Distribute

16 Date of Detention Hearing: December 2, 2008

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
19 that no condition or combination of conditions which defendant can meet will reasonably assure
20 the appearance of defendant as required and the safety of other persons and the community.

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
02 dangerousness and flight risk, under 18 U.S.C. §3142(e).

03 2. Defendant does not offer argument in opposition to the government's motion for
04 detention, and stipulates to entry of an order of detention at this time, with leave to ask the Court
05 to review the order at a future time. The United States does not object.

06 3. Defendant poses a risk of nonappearance due to substance use issues and poses a
07 risk of danger due to the nature of the current charge and substance use issues.

08 4. Taken as a whole, the record does not effectively rebut the presumption that no
09 condition or combination of conditions will reasonably assure the appearance of the defendant as
10 required and the safety of the community.

11 It is therefore ORDERED:

12 (1) Defendant shall be detained pending trial and committed to the custody of the
13 Attorney General for confinement in a correction facility separate, to the extent
14 practicable, from persons awaiting or serving sentences or being held in custody
15 pending appeal;

16 (2) Defendant shall be afforded reasonable opportunity for private consultation with
17 counsel;

18 (3) On order of a court of the United States or on request of an attorney for the
19 Government, the person in charge of the corrections facility in which defendant is
20 confined shall deliver the defendant to a United States Marshal for the purpose of
21 an appearance in connection with a court proceeding; and

22 (4) The clerk shall direct copies of this Order to counsel for the United States, to

01 counsel for the defendant, to the United States Marshal, and to the United States
02 Pretrial Services Officer.

03 DATED this 2nd day of December, 2008.

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05 Mary Alice Theiler
06 United States Magistrate Judge